

House Bill 1604

By: Representative Smyre of the 132nd

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 5 of Title 7 of the Official Code of Georgia Annotated, relating to credit cards and credit card banks, so as to authorize qualifying organizations to conduct criminal background checks through fingerprint comparisons; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 7 of the Official Code of Georgia Annotated, relating to credit cards and credit card banks, is amended by adding a new section immediately following Code Section 7-5-6 to read as follows:

"7-5-7.

(a) As used in this Code section, the term 'conviction' means any finding or verdict of guilt, plea of guilty, or plea of nolo contendere, regardless of whether an appeal of the conviction has been sought.

(b) A qualifying organization shall be authorized to obtain conviction data through fingerprint comparisons when conducting criminal background checks of its officials or employees or applicants for appointment or employment. Fingerprint comparisons shall be conducted in accordance with Code Section 35-3-34 based upon the submission of fingerprints of the person whose records are requested. The qualifying organization shall submit to the Georgia Crime Information Center two complete sets of fingerprints of the official, employee, or applicant, the required records search fee, and such other information as may be required. Upon receipt thereof, the Georgia Crime Information Center shall promptly transmit one set of fingerprints to the Federal Bureau of Investigation for a search of bureau records and an appropriate report and shall retain the other set and promptly conduct a search of its own records and records to which it has access. The Georgia Crime Information Center shall notify the qualifying organization in writing of any conviction

1 data found, including any conviction data regarding the fingerprint records check, or if
2 there is no such finding.

3 (c) All conviction data received by the qualifying organization shall be used by it for the
4 exclusive purpose of making employment decisions, shall not be a public record, shall be
5 privileged, and shall not be disclosed to any other person or agency except to any person
6 or agency which otherwise has a legal right to inspect the employment file. All such
7 records shall be maintained by the qualifying organization pursuant to laws regarding such
8 records and the rules and regulations of the Federal Bureau of Investigation and the
9 Georgia Crime Information Center, as may be applicable."

10 **SECTION 2.**

11 This Act shall become effective on July 1, 2006.

12 **SECTION 3.**

13 All laws and parts of laws in conflict with this Act are repealed.